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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,326	12/31/2001	Yukio Sawajiri	SAWAJIRI=2	4583

1444 7590 11/24/2008

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EXAMINER	
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ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
11/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte Sawajiri et al.

Appeal No. 2007-2479
Application No. 10/032,326
Technology Center 3600

DECISION ON REQUEST FOR EXTENSION OF TIME
UNDER 37 CFR § 1.136(b)

This is a decision on the "Request for Extension of Time Under 37 CFR § 1.136(b)" ("Request"), filed October 28, 2008.

FINDINGS

1. On August 28, 2008, the Board of Patent Appeals and Interferences ("Board") issued a Decision on Appeal affirming the rejection of claims 1-10.

2. On October 28, 2008, Appellants filed the present Request seeking an extension of one month – until November 28, 2008 – to file a request for rehearing of the Decision on Appeal.

3. The Request states that the "client," presumably Appellants' assignee, is located in Japan and that Appellants' counsel communicated with the client, advising it "of the due dates for appeal or requesting rehearing." The

Request further states that when no timely response was received from the client, Appellants' counsel sent a reminder, and that instructions to file a request for rehearing were received by fax on October 28, 2008.

4. 37 C.F.R. 1.136(b) specifies that:

> [T]he period for reply will be extended *only for sufficient cause* [T]he mere filing of such a request will not affect any extension under this paragraph.

(emphasis added).

DISCUSSION

The Request does not include any reason why Appellants or their assignee did not respond in a timely manner to counsel's request for instructions. The mere fact that Appellants and their assignee are located in a foreign country does constitute sufficient cause for an extension under 37 C.F.R. § 1.136(b).

DECISION

For the reasons described above, the Request is DENIED.

Michael R. Fleming
Chief Administrative Patent Judge

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